

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**



In the Matter of
Jennifer A. Jensen, O.D.
License No. 2546

**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Jennifer A. Jensen, O.D. ("Respondent"), and the Discipline Committee ("Committee") of the Minnesota Board of Optometry ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which she holds a license to practice optometry in the State of Minnesota.

2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee is represented by Benjamin R. Garbe, Assistant Attorney General.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On August 25, 1995, Respondent was licensed by the Board as an optometrist in the State of Minnesota.

b. On January 31, 2011, the Nevada State Board of Optometry issued Findings of Fact, Conclusions of Law, and Order, revoking Respondent's license to practice optometry. (A true and accurate copy of the Nevada order is attached hereto and incorporated

herein as Exhibit A.) The basis of the revocation was Respondent's unauthorized prescribing of controlled substances.

c. On October 13, 2011, the Oklahoma Board of Examiners in Optometry issued Findings of Fact, Conclusions of Law and Order, which placed Respondent's license on probation for one year and revoked Respondent's authority to prescribe controlled substances for the period of her probation. (A true and accurate copy of the Oklahoma order is attached hereto and incorporated herein as Exhibit B.) The basis of the probation and restriction on prescribing was the revocation by the Nevada State Board of Optometry and Respondent's failure to report the adverse action in Nevada to the Oklahoma Board of Examiners in Optometry.

STATUTES

4. The Committee believes that Board action is required under Minnesota Statutes section 148.57, subdivision 3, and Respondent agrees that a reasonable basis in law and fact exists to justify the disciplinary action in this matter.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order suspending Respondent's license to practice optometry in the State of Minnesota as follows:

- a. Respondent's license is **INDEFINITELY SUSPENDED**.
- b. Respondent shall not in any manner practice optometry in the State of Minnesota, effective immediately.

c. If Respondent intends to practice optometry in Minnesota, she may petition for reinstatement upon submission of the following:

1) Evidence of successful completion of the terms and conditions of the Findings of Fact, Conclusions of Law, and Order issued by the Nevada State Board of Optometry on January 31, 2011.

2) Evidence of successful completion of the terms and conditions of the Findings of Fact, Conclusions of Law and Order issued by the Oklahoma Board of Examiners in Optometry on October 13, 2011.

3) Satisfactory evidence that Respondent is able to return to practice in a fit, competent, and ethical manner. The burden of proof shall be on Respondent to prove fitness to return to practice by a preponderance of the evidence.

4) Any other information reasonably requested by the Board.

d. If requested by the Committee, Respondent must attend a conference with the Committee to discuss her petition for reinstatement.

e. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement, take any of the following actions:

1) Remove the suspension and issue Respondent an unconditional license;

2) Remove the suspension and impose limitations and conditions on Respondent's license; or

3) Continue the suspension of Respondent's license upon her failure to meet the burden of proof.

ADDITIONAL INFORMATION

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences. Within seven days of any change, Respondent shall provide the Board with her current address and telephone information. The information shall be sent to Randy Snyder, Executive Director of the Board of Optometry, University Park Plaza, 2829 University Avenue S.E., Suite 550, Minneapolis, Minnesota 55414-3222.

7. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including revocation of Respondent's license.

8. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

9. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

10. Respondent hereby acknowledges that she has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

11. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceeding upon which this order is based. The investigative reports, other documents, or summaries thereof, may be filed with the Board with the stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

12. Under the Minnesota Government Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data

Practices Act. Pursuant to federal law, the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank. The Board will report this disciplinary action to all other entities consistent with Board policy.

Dated: 4-29-12

Jennifer Jensen
JENNIFER A. JENSEN, O.D.
Respondent

Dated: 7/11/12

[Signature]
For the Committed

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Respondent's license is indefinitely suspended and that all other terms of this stipulation are adopted and implemented by the Board this 17th day of July, 2012

MINNESOTA BOARD OF OPTOMETRY

By: Randy Snyder
RANDY SNYDER
Executive Director

AG: #2985139-v1

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Licensend in Oklahoma
applying for a License in California